

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

THE STATE OF TEXAS, et al., §
Plaintiffs, §
v. § Civil Action No. 4:20-cv-00957-SDJ
GOOGLE LLC, § Hon. Sean D. Jordan
Defendant. § Special Master: David T. Moran

GOOGLE LLC'S UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL

Defendant Google LLC (“Google”) respectfully moves the Court for leave to file under seal its Response Brief to Plaintiffs’ Opening Brief to the Special Master for the March 7, 2024 Hearing (“Response Brief”) and Exhibits A, B, C, and G thereto (“Response Exhibits”). Consistent with Local Rule CV-5, Google will file redacted versions of its Response Brief and Exhibits within seven days. Plaintiffs do not oppose Google’s sealing request.

Google’s Response Exhibits have been designated as “Confidential” and “Highly Confidential” pursuant to the Confidentiality Order in this case, ECF No. 182, and in the parallel litigation pending in the Southern District of New York and the Eastern District of Virginia. The Response Brief refers to or quotes from these designated materials.

While “the public has a common law right to inspect and copy judicial records,” courts “must balance the public’s common law right of access against the interests favoring nondisclosure.” *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993) (citations omitted). Good cause exists here to allow sealing, where the materials that Google requests to be sealed contain references to and discussion of non-public information that, if disclosed publicly, is likely to cause competitive and commercial harm to Google and therefore have been

designated as “Confidential” and “Highly Confidential” pursuant to Court-ordered protective and confidentiality orders. *See, e.g., Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597–98 (1978) (recognizing that public access may be properly limited to protect “sources of business information that might harm a litigant’s competitive standing”); *Conn Credit I, LP v. TF LoanCo III, LLC*, No. 1:14-CV-429, 2016 WL 8231153, at *1 (E.D. Tex. May 9, 2016) (granting a motion to seal documents containing “large amount of confidential business information”); *see also* Local Rule CV-5(a)(7)(E).

Therefore, Google respectfully requests that the Court grant Google leave to file its Response Brief and Exhibits under seal.

Dated: March 1, 2024

Respectfully submitted,

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ATTORNEYS FOR GOOGLE LLC

CERTIFICATE OF SERVICE

I certify that on March 1, 2024, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ R. Paul Yetter
R. Paul Yetter

CERTIFICATE OF CONFERENCE

I hereby certify that the meet and confer requirements in Local Rule CV-7(h) have been met. This motion is consented to and not opposed by any party.

/s/ R. Paul Yetter
R. Paul Yetter